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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,788	11/13/2003	Bart Delmulle	944-3.198	7811

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EXAMINER
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PAN, YUWEN

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/712,788

Applicant(s)

DELMULLE ET AL.

Examiner

Yuwen Pan

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-17, 20-22 and 24-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17, 20-22 and 24-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/06 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 18, 35 and 38 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 18, 34 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlton et al (US 20040203363A1).

Per claim 18, Carlton disclose a method for using by a communication device (see figure 1), comprising: receiving a communication from another communication device using short range transceiver via a direct connection between the short range transceiver and a short range

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transceiver of the other communication device so that the other communication device is necessarily located within the range of the short range transceiver (see figure 2, para 0046-0053), wherein the communication conveys information indication an identifier of the other communication device; and determining whether the identifier of the other communication device indicates a buddy in buddy list data store stored in communication device (see para. 0114-0116), and if so providing to an annunciator a control signal actuating the annunciator to indicate to a user receipt of the communication, and so to indicate that the other communication device is within the range of the short-range transceiver of the communication device wherein the annunciator produces a stimulus of at least one of either sound or vibration or light in response to the control signal (see figure 3 and para. 0075 and 0076).

Same arguments apply, *mutatis mutandis*, to claims 34, and 38.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-13, 14-17, 20-22, 24-33, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton et al (US 20040203363A1) in view of Ollis et al (US006999721B2).

Per claim 1, Carlton discloses an apparatus for use by a communication device (see figure 1), comprising a short-range transceiver, for wirelessly communication with a short-range transceiver of another communication device via a direct connection to the short-range transceiver of the other communication device (see figure 2), for receiving from the other communication device via the direct connection (see figure 2 and item 209) information indicating an identifier of the other communication device (see para. 0046-0053), an annunciator, for alerting a user to receipt of the information by producing a stimulus of at least open of either sound or vibration or light in response to a control signal, and so for alerting the user that the other communication device is within the range of the short-range transceiver (see figure 3 and item 312, a, b, c and para. 0046), a buddy list data store for holding a list of identifiers with the list organized as records so as to be able to retrieve a record based on the identifier (see figure 14); a buddy detector application, responsive to the information including the identifier indicating the other communicator device, for providing to the annunciator the control signal if and only if the identifier is included in the buddy list data store (see para. 114). Carlton does further indicates that the apparatus may included in or combine with a mobile terminal for cellular network (see para. 0172) however Carlton doesn't expressly teaches that a cellular interface, providing at least part of a wireless or plug connection to a user equipment device configured for cellular communication; and the short range transceiver coupled to the cellular interface. Ollis discloses a user device (figure 1) for wireless cellular communication including user interface (101), a multi-wireless protocols interface directly connection to the user device (figure 2), and a short-range transceiver (item 211) for wirelessly communicating with short-range transceivers of peer devices. It would have been obvious to one ordinary skill in the art at

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the time the invention was made to combine teaching of Ollis with Carlton's invention such that the user has an easy access to both the cellular and local area network.

Same arguments apply, *mutatis mutandis*, to claim 35.

Per claim 2, Ollis further teaches that the user interface is operative in combination with the multi-wireless protocols interface (see column 2 and lines 14-25).

Per claim 3, Ollis further teaches that one of the wireless protocols is BLUETOOTH (see figure 2).

Same arguments apply, *mutatis mutandis*, to claim 20.

Per claim 4, Ollis further teaches that the user device communicate either with BLUETOOTH or Infrared (figure 2).

Same arguments apply, *mutatis mutandis*, to claim 21.

Per claim 5, Ollis further teaches that the user device further comprising a wireless protocol such as IEEE 802.11b in which has wider coverage than either BLUETOOTH or Infrared standard (see column 1 and lines 40-50).

Same arguments apply, *mutatis mutandis*, to claim 22, 36, and 37.

Per claim 7, Ollis further teaches that the identifier is an identifier of a short-range transceiver associated with the predetermined buddy (see figure 5).

Per claim 8, Ollis further teaches that the buddy identifier is a nickname of the predetermined buddy (see figure 5 and 6).

Same arguments apply, *mutatis mutandis*, to claim 25.

Per claim 9, Carlton further teaches that information indicating the other peer is displayed to a user via a user interface of the user equipment device (see para. 0114).

Same arguments apply, *mutatis mutandis*, to claim 26.

Per claim 10, Carlton further teaches scatternet in which connects all the piconets and expanding the coverage of short-range transceivers, in which route information according to the destination of the information (see para: 0149-0172).

Same arguments apply, *mutatis mutandis*, to claim 27.

Per claim 11, Carlton further teaches that a controller (see figure 3 and item 313) adapted to receive from another device a request for permission to control a stimulus generator (see item 314), to present the request to a user via a user interface of the user equipment device, to signal the user response to the request, to receive command signals from the other device indicating commands to cause one or another of various available stimuli sensations, and to provide stimulus control signals corresponding to the received command signals; and the stimulus generator, responsive to the stimulus control signals, for generating stimulus sensations corresponding to the stimulus control signals (see para. 0062 and 0063).

Same arguments apply, *mutatis mutandis*, to claim 28.

Per claim 12, Carlton further teaches light emitting diode (LED), it is obvious that such light emitter is associated with color (see para. 0063).

Same arguments apply, *mutatis mutandis*, to claim 29.

Per claim 14, Carlton further teaches that a personal web page administrator (personal profiles), responsive to signals from the short-range transceiver indicating the nearby presence of another short-range transceiver, for exchanging signals with a user of the user equipment device to determine whether to send a personal web page to the other short-range transceiver and for sending a web page to the other short-range transceiver; and a web page data store holding the personal web page (see para. 0049-0053).

Same arguments apply, *mutatis mutandis*, to claim 31.

Per claim 15, Carlton further teaches that a phone list data store for holding a list of phone numbers organized as records indexed based on a nickname identifier (see figure 13) wherein the phone numbers are kept secret from a user, and for providing a phone number from the phone list data store in a guarded signal so as not to reveal the phone number to a user; and wherein the apparatus is configured to respond to the guarded signal by causing the phone number to be dialed by the user equipment device without revealing the phone number to the user equipment user interface and so keep the phone number secret from a user of the user equipment device (see para 0129-0132).



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Same arguments apply, *mutatis mutandis*, to claim 32.

Per claim 16, Carlton further teaches that user could use apparatus-specific user-ID for connection free of charge to send receive text message. It is obvious that such apparatus is capable to send and receive text message by using phone number while this apparatus is in the telecommunication network (see para 0172).

Same arguments apply, *mutatis mutandis*, to claim33.


Per claim 17, Carlton further teaches a telecommunication network including a radio access network and a user equipment device and such device is provided in combination with an apparatus as in claim 1 (see para 0172).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yuwen Pan  
February 26, 2007